

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED IN OPEN COURT  
DATE: 5/21/2019  
TIME: 2:56 PM  
INITIALS: JRS

EDWIN SMITH PRESTON,

Plaintiff,

vs.

FEDERAL EXPRESS CORPORATION,

Defendant.

Case No. 2:17-02876-JPM-cgc

VERDICT FORM

TITLE VII DISCRIMINATION

1. Has Plaintiff Edwin Smith Preston proven by a preponderance of the evidence that Defendant Federal Express Corporation ("Federal Express") discriminated against him because of his race in violation of Title VII of the Civil Rights Act of 1964 when it issued him a warning letter and suspended him in October of 2015?

YES \_\_\_\_\_ NO X

Regardless of your Answer, please answer question No. 2.

2. Has Plaintiff proven by a preponderance of the evidence that Defendant discriminated against him because of his gender, in violation of Title VII of the Civil Rights Act of 1964 when it issued him a warning letter and suspended him in October of 2015?

YES \_\_\_\_\_ NO X

If your answer to Question No. 1 and/or Question No. 2 is "YES," then you have returned a verdict for Plaintiff Preston and against Defendant Federal Express on Plaintiff's claim for employment discrimination, and you must consider the question of damages and answer Question No. 3.

If your answer to Question No. 1 **and** Question No. 2 is "NO", then you have returned a verdict for Defendant Federal Express and against Plaintiff Preston on Plaintiff's claim for employment discrimination. You must not answer Question No. 3, but you must still consider the question of retaliatory termination and **MUST** go to Question No. 4.

**3. Damages for race and/or gender discrimination**

**3(a).** Has Plaintiff proven by a preponderance of the evidence that he suffered lost wages during his suspension because of Federal Express's unlawful discrimination?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer to Question No. 3(a) is "YES", then under the law as given to you in these instructions, state the amount of lost wages during his suspension that Plaintiff should be awarded from Defendant.

AMOUNT: \$ \_\_\_\_\_

**3(b).** Has Plaintiff proven by a preponderance of the evidence that he suffered compensatory damages which were proximately caused by Defendant issuing him a warning letter and a suspension in October 2015, for which you have already found Defendant liable?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer to Question No. 3(b) is “YES”, then under the law as given to you in these instructions, state the amount you award Plaintiff in compensatory damages.

AMOUNT: \$ \_\_\_\_\_

**This completes the section of the verdict form as to alleged discrimination. Go to Question No. 4.**

### TITLE VII RETALIATION

4. Do you find by a preponderance of the evidence that Defendant retaliated against Plaintiff by terminating him because of his written and/or oral complaints of discrimination or his oral complaints of retaliation within Federal Express?

YES \_\_\_\_\_ NO X\_\_\_\_\_

If you answered “No” to Question No. 4, then you have returned a verdict for the Defendant and against the Plaintiff on Plaintiff’s claim for employment retaliation. Your deliberations are concluded and the Foreperson should sign and date the last page of this verdict form. The Foreperson should then notify the Court Security Officer that you have reached a verdict.

If you answered “Yes” to Question No. 4, then you have returned a verdict for the Plaintiff and against the Defendant on Plaintiff’s claim for employment retaliation. You must consider damages and Question No. 5.

5. Damages for retaliation

- 5(a). Has Plaintiff proven by a preponderance of the evidence that he suffered lost wages because of Defendant’s unlawful retaliation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer to Question No. 5(a) is “YES”, then under the law as given to you in these instructions, state the amount of lost wages that Plaintiff should be awarded from Defendant. Do NOT subtract for mitigation at this point.

AMOUNT: \$ \_\_\_\_\_

If your answer to Question No. 5(a) is "YES", then please answer Question No. 5(b) AND Question No. 5(c). If your answer to Question No. 5(a) is "No", then your deliberations are complete and the Foreperson should sign and date the last page of this verdict form. The Foreperson should then notify the Court Security Officer that you have reached a verdict.

**5(b).** Has Defendant proven by a preponderance of the evidence that Plaintiff failed to mitigate his damages by finding comparable employment?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer to Question No. 5(b) is "YES", then under the law as given to you in these instructions, state the amount that Plaintiff could have earned in a new job. This amount will be subtracted from the amount of lost wages awarded in question 5(a).

AMOUNT: \$ \_\_\_\_\_

Regardless of your answer to Question No. 5(b), proceed to Question No. 5(c).

**5(c).** Has Plaintiff proven by a preponderance of the evidence that he suffered compensatory damages which were proximately caused by Defendant terminating him because of his written and/or oral complaints of discrimination or his oral complaints of retaliation within Federal Express, for which you have already found Defendant liable?

YES \_\_\_\_\_ NO \_\_\_\_\_

If your answer to Question No. 5(c) is "YES", then under the law as given to you in these instructions, state the amount you award Plaintiff in compensatory damages.

AMOUNT: \$ \_\_\_\_\_

**If you awarded damages to Plaintiff on BOTH his discrimination claim AND his retaliation claim, you must proceed to Question No. 6.**

**If you did not award damages on BOTH claims, then your deliberations are complete. The Foreperson must sign and date this verdict form.**

6. What amount of damages awarded for retaliation in Question No. 5, if any, is already included within any amount of damages that you have previously awarded Plaintiff for his discrimination claim in Question No. 3?

AMOUNT: \$ \_\_\_\_\_

YOUR DELIBERATIONS ARE COMPLETE. The Foreperson must sign and date this Verdict Form. Please notify the Court Security Officer that you have reached a verdict.

Margaret Calicott  
Foreperson

5-21-2019  
Date